

# MINNESOTA SENTENCING GUIDELINES COMMISSION

## Probation Revocations

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Offenders Sentenced from 2001-2010 and  
Revoked to Prison

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## Introduction

The 2011 Minnesota Sentencing Guidelines Commission Probation Revocation Report provides information about felony-level offenders sentenced from 2001-2010 who were revoked to prison due to probation violations. A probation violation occurs when an offender's behavior or criminality violates conditions of probation, but does not result in a new felony criminal conviction.<sup>1</sup> An offender's probation can be revoked if probation revocation proceedings are initiated and the court makes appropriate findings to support the revocation. The court, rather than the Department of Corrections (DOC), makes the determination as to whether probation will be revoked.<sup>2</sup>

Offenders were tracked for revocations through December 31, 2011. During the period covered by this report, approximately 15 percent of felony offenders receiving probation in Minnesota have been revoked due to probation violations.

The probation revocations in this report are analyzed in two ways. First, the cumulative revocation data are analyzed by year. That is, as each year of revocation data become available, it is added to prior years to generate a cumulative revocation rate for offenders sentenced each year between 2001 and 2010. Thus, the revocation rate for 2009 shows an increase in this report from the rate that was reported last year because additional probationers who had originally been sentenced in 2009 were revoked in 2011. Second, the data are combined to present overall revocation rates for the entire period. In both sections of the report, results are broken down by Judicial District, race, sex, offense type, and dispositional departure type.

This report is not intended to be a recidivism study. It describes in very basic terms revocation data for felony offenders who were originally sentenced to probation. It is the Commission's intention to update this report annually, when new Department of Corrections and Minnesota Sentencing Guidelines Commission (MSGC) data become available for analysis. An explanation of how the Guidelines work along with the Standard Grid and Sex Offender Grid can be found in the Commission's report entitled *Sentencing Practices: Annual Summary Statistics for Felony Offenders*, available online at: <http://www.msgc.state.mn.us>.

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<sup>1</sup> The behavior resulting in a probation revocation could include a conviction for a gross misdemeanor or misdemeanor offense. These convictions would not in and of themselves result in the offender returning to prison because they carry the potential for jail sentences rather than prison sentences. However, the criminal behavior would trigger a probation revocation proceeding, which could then result in a probation revocation for violating the conditions of probation.

<sup>2</sup> The Department of Corrections has authority to revoke offenders who are on parole or supervised release.

## Data Summary

The overall felony probation population is 63 percent white, 24 percent black, six percent American Indian, five percent Hispanic, and two percent Asian (Figure 2). It is 79 percent male and 21 percent female.

Through the end of 2011, the overall revocation rate was approximately 15 percent (Tables 2-4). The majority of revocations occurred within the first two years of sentencing (Figure 3). Revocation rates tended to be higher for offenders for whom the Guidelines recommended prison (Figure 7).

American Indian offenders have had their probation revoked at a higher rate (24.4%) than any other racial group (Figure 9). Part of the reason revocation rates may be so high among American Indian offenders could be because a higher percentage of offenders who are American Indian are convicted of person crimes (Figure 8). Among offense types, offenders convicted of person offenses had the highest rate of revocation at 19.3 percent, while property offenders had the lowest at 12.5 percent (Figure 8).

Some differences were also observed when comparing overall revocation rates between Judicial Districts and counties (Tables 3 and 4). The First Judicial District had the lowest rate of revocation (9.5%), while the Second and Ninth districts had the highest (21.5% and 21.3%, respectively). In line with district-wide rates, Carver County, which is located in the First Judicial District, had one of the lowest revocation rates (6.0%), and Beltrami County, which is located in the Ninth Judicial District, had the highest revocation rate (28.6%).

## Procedure for Calculating Revocations

This analysis includes offenders receiving an initial stayed sentence between 2001 and 2010. Offenders were tracked for revocations through December 31, 2011. Probation revocations are determined through a process of matching Department of Corrections (DOC) prison admissions data with data from the Minnesota Sentencing Guidelines Commission (MSGC).<sup>3</sup> The DOC data include admissions as a result of revocations. Offenders whose probation was revoked following conviction for a new felony offense are classified as new admissions and, therefore, are not included in this analysis.

MSGC would like to stress the following limitations with this report:

- This is not intended to be a recidivism study. It describes, in very basic terms, revocation data for felony offenders who were originally sentenced to probation. The analysis does not statistically control for a variety of factors that may influence an offender's success.
- The data were not standardized based on date of offense. All offenders sentenced between 2001 and 2010 were tracked through December 31, 2011. Therefore, an offender sentenced to probation in January 2001 is tracked for almost a full eleven years, while an offender sentenced to probation in January 2010 is only tracked for 1 year and 11 months. It is our intention to update this report annually when new prison admissions data are available from DOC.
- This analysis captures only revocations due to probation violations. Therefore, any revocations due to new felony convictions are excluded. It does include revocations due to new misdemeanor or gross misdemeanor convictions as these are considered violations of the terms of probation. Also, it is not possible to determine whether there were any previous attempts by the court to "restructure" an offender's stayed sentence before, or instead of, revoking it.
- In approximately 87 percent of the cases analyzed, conditional jail time was pronounced as part of the initial stayed sentence. MSGC recognizes that offenders are not typically "at risk" for violating the terms of their probation while serving a jail term.
- Although MSGC has data for offenders sentenced in 2011, these offenders have been excluded from this report because there has not been a full calendar year in which to track them while on probation.
- This report excludes offenders who originally had a Stay of Adjudication and received a prison sentence upon revocation. A stay of adjudication does not meet the definition of an initial stayed sentence, as described above, because the offender has not yet been convicted. This report tracks revocations of probationary sentences imposed following conviction.

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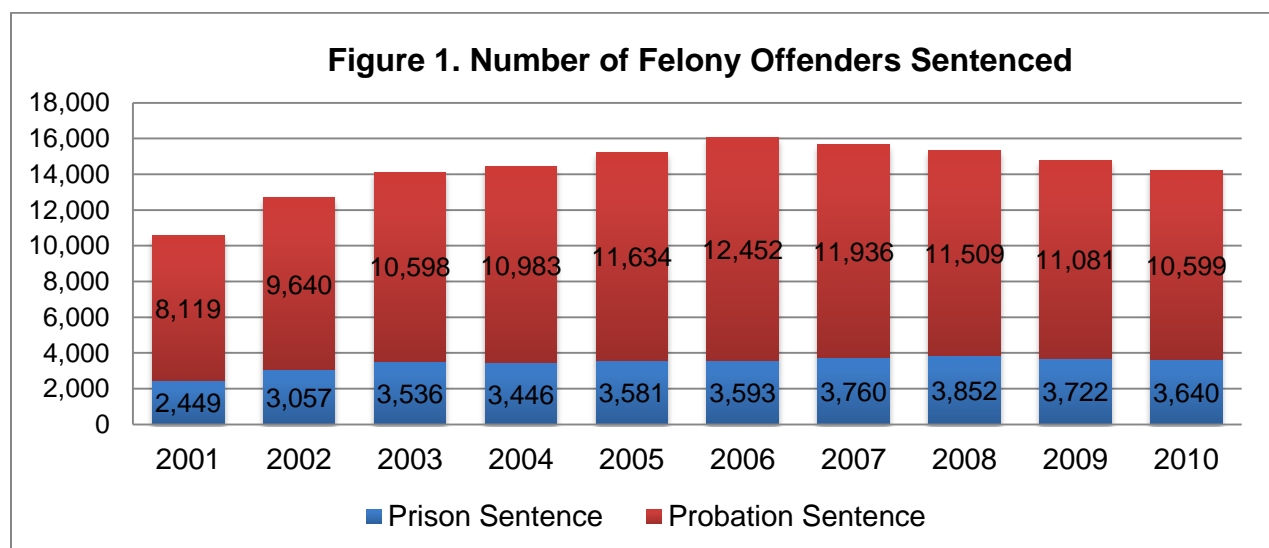
<sup>3</sup> MSGC monitoring data are offender-based; cases represent offenders rather than individual charges. Offenders sentenced within the same county in a one-month period are generally counted only once, based on their most serious offense.

## Revocation Data by Year Sentenced

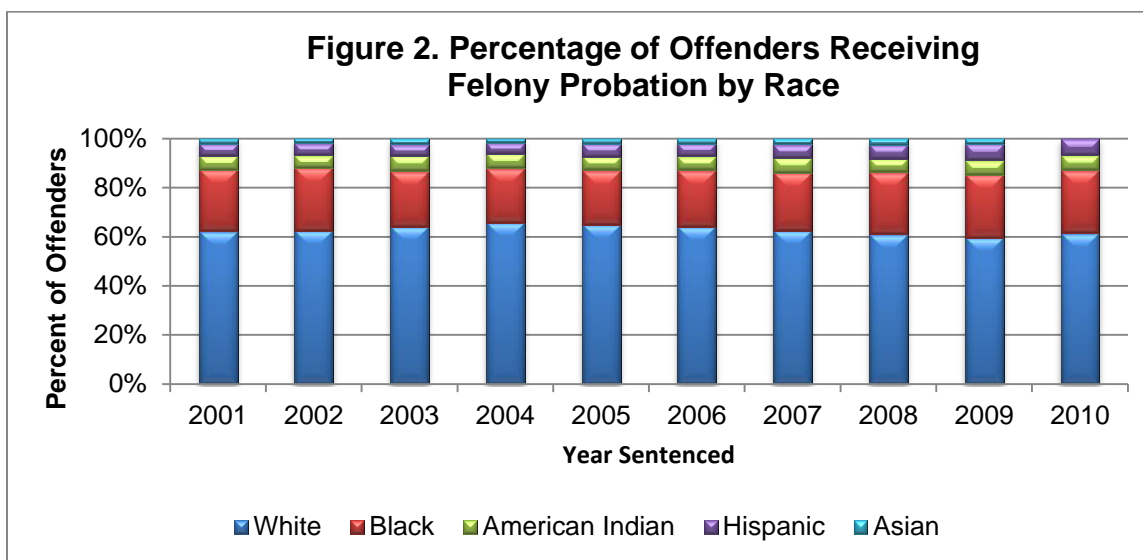
In the figures and tables below, the revocation data are presented by year sentenced. The statistics reported for the most recent years may appear to be lower than in prior years. But this is because the data for the more recent years are incomplete. Offenders sentenced more recently have had less time at risk than offenders sentenced earlier. It is expected that the numbers for the more recent years will increase as more time passes, and as more data are added to this report. This report will be updated annually as data become available.

### Volume of Cases and Revocation Data by Year

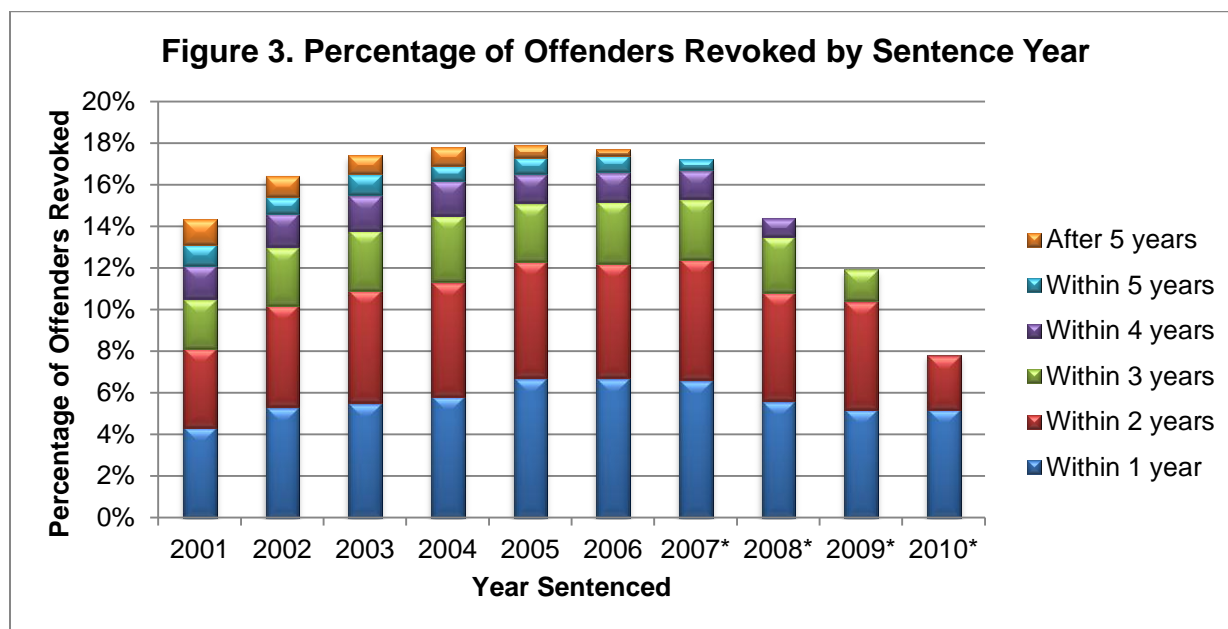
Figure 1 illustrates the overall number of offenders sentenced to prison or probation for felony convictions from 2001 to 2010. Offenders are displayed by the type of sentence received. Beginning in 2003, an average 40 offenders per year were given a jail-only sentence. However, because these numbers are so small in comparison to the total felony population, they could not be displayed in Figure 1.



The racial make-up of felony probationers remained fairly constant over this timeframe, with approximately 63 percent being white, 24 percent black, six percent American Indian, five percent Hispanic, and two percent Asian (Figure 2). Approximately 79 percent of felony probationers are male, while 21 percent are female.



The majority of revocations occurred within the first two years of sentencing. Figure 3 shows the percentage of offenders that have been revoked each year, by sentencing year. For example, of the offenders sentenced to probation in 2001, just over four percent were revoked to prison on a probation violation within one year of being sentenced. Another four percent were revoked within the second year, two percent within the third year, and so on.



\* Note that the data bars for the most recent years are incomplete because not enough time has passed to report revocations that may occur within the longer time frames.



There are two important things to note in Figure 3. First, because the data are not standardized to a particular timeframe for revocations, MSGC has more data on offenders who were sentenced earlier. For example, in looking at offenders originally sentenced in 2008, the data can only go back as far as “within 4 years.” As mentioned earlier, MSGC intends to continue updating this report as new data become available from DOC. Second, the last years’ data bar is incomplete for each year presented. For example, in 2008, the “within 4 years” bar is only a partial piece of the data. An offender sentenced in January of 2008 would fall in the “within 4 years” category if he/she was revoked at any time between January and December of 2011, but an offender sentenced in December of 2008 would fall in that same category between December of 2011 and November of 2012. Since 2012 sentencing data are not available, we do not have complete data for the final bar.

Table 1 provides revocation rates by Judicial District for each year sentenced. The Second, Third, Eighth, and Ninth Judicial Districts consistently have the highest rates of revocation, while the First and Fourth Judicial Districts typically have the lowest. See Tables 3 and 4 for total combined revocation rates by judicial district and county (pp. 15-19).

**Table 1. Revocation Rates by Judicial District**

Judicial District	Revocation Rates by Sentence Year									
	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010
First	9.3%	9.8%	9.1%	11.5%	11.7%	12.0%	11.1%	8.8%	7.1%	4.1%
Second	20.1%	22.9%	23.6%	23.9%	23.7%	24.3%	25.4%	21.5%	16.8%	10.9%
Third	20.3%	23.8%	27.4%	25.1%	23.1%	26.5%	22.0%	17.6%	15.6%	9.5%
Fourth	8.5%	10.4%	12.0%	13.3%	14.3%	13.7%	13.4%	12.0%	9.3%	6.0%
Fifth	12.5%	17.8%	19.9%	17.5%	17.4%	19.2%	15.6%	14.0%	14.2%	8.2%
Sixth	10.2%	14.8%	12.8%	15.6%	14.6%	16.2%	13.0%	10.3%	11.2%	8.4%
Seventh	14.3%	16.0%	18.1%	15.2%	19.0%	17.4%	18.5%	14.7%	13.7%	8.2%
Eighth	17.6%	20.5%	15.7%	22.9%	20.4%	22.2%	27.3%	15.3%	14.3%	11.7%
Ninth	20.0%	22.3%	23.8%	24.8%	23.7%	23.8%	24.0%	22.4%	14.7%	11.8%
Tenth	16.5%	17.5%	18.9%	18.2%	17.4%	15.1%	13.8%	11.3%	9.1%	6.0%
<b>Total</b>	<b>14.2%</b>	<b>16.3%</b>	<b>17.4%</b>	<b>17.8%</b>	<b>17.9%</b>	<b>17.9%</b>	<b>17.2%</b>	<b>14.4%</b>	<b>11.9%</b>	<b>7.7%</b>

Figure 4 shows the percentage of offenders revoked within each racial category.<sup>4</sup> American Indian offenders have had their probation revoked at a higher rate than any other racial group in every year analyzed. Conversely, Asian offenders have the lowest rate of revocation in almost every year. Between 2001 and 2010, the average revocation rate among Asian offenders is approximately 12 percent, while the average rate for American Indian offenders is 24 percent. The average revocation rates for the other racial groups are: approximately 14 percent for both white and Hispanic offenders, and 17 percent for black offenders. Further discussion of revocation rates and race will follow later in this report.

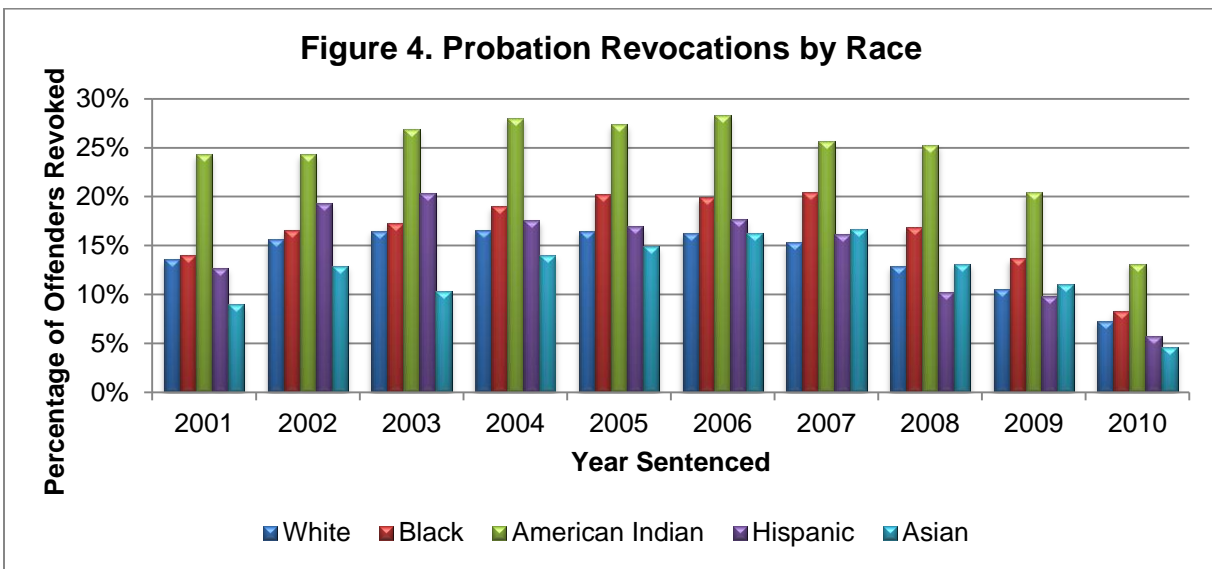
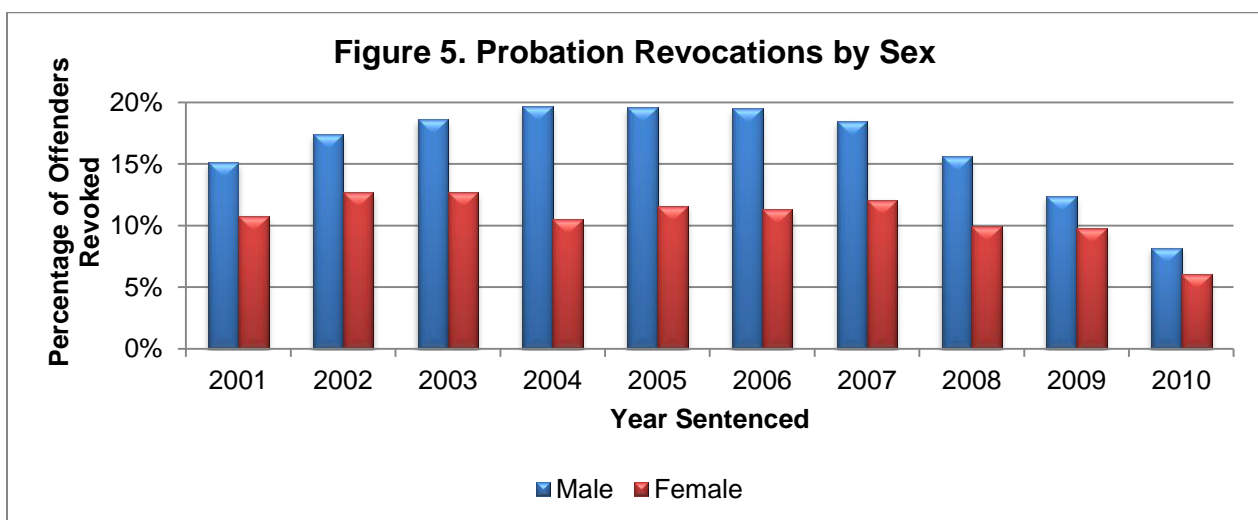
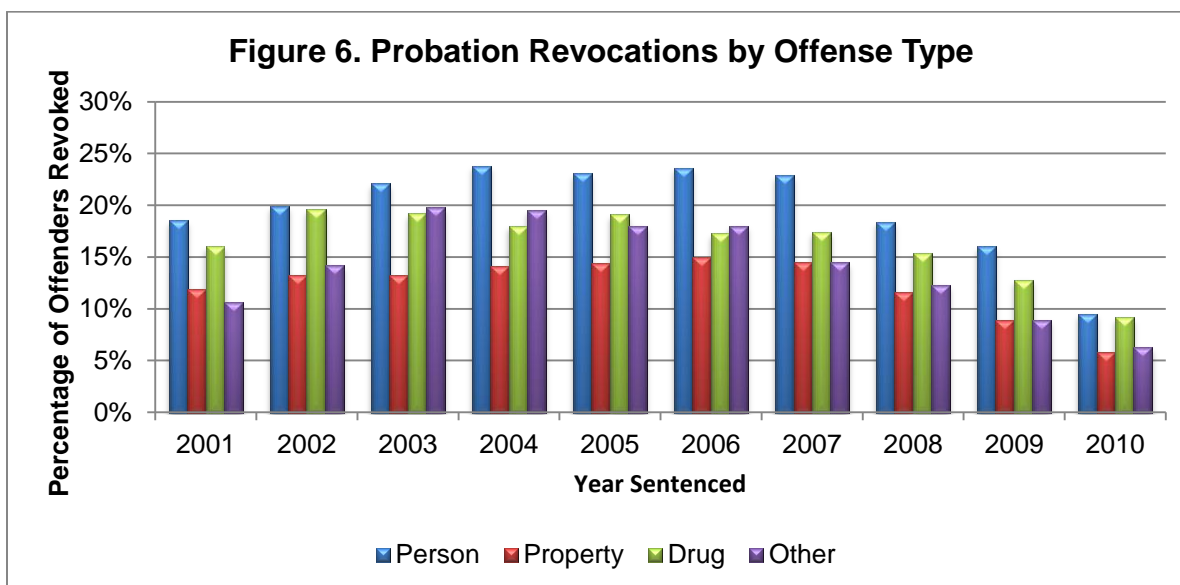


Figure 5 shows the percentage of offenders revoked by sex. It is clear that male offenders consistently have a higher rate of probation revocation than female offenders. When information on race and sex are combined, there are some interesting things to note. See section entitled *Combined Revocation Data: 2001-2010* (p. 13) for further analysis.



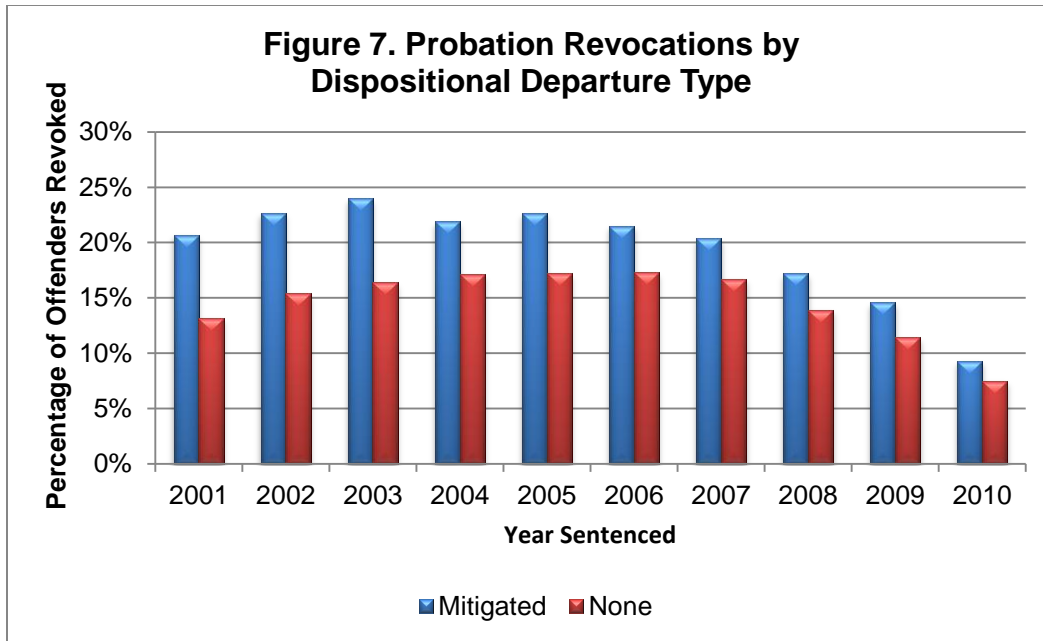
<sup>4</sup> Offenders for whom race is "other" or "unknown" are excluded.

Figure 6 shows the percentage of offenders revoked within each offense type. In every year analyzed, offenders who had been convicted for person offenses were revoked at a higher rate than offenders who had been convicted of other types of offenses. Property offenders were usually revoked at a lower rate. Property offenders were usually revoked at a lower rate.



Part of the reason revocation rates were so high for American Indian offenders (see Figure 4, p. 10) may have to do with the type of offenses these offenders committed. A high percentage of American Indian offenders sentenced within the timeframe of this report committed person offenses, which consistently result in the highest rate of revocation. Approximately 23 percent of offenders who received probation between 2001 and 2010 were convicted of person offenses. When specifically looking at American Indian offenders, this number increases to 31 percent. While this may play a role in the higher revocation rate for American Indian offenders, it does not explain the whole story. When revocation rates are examined by race and offense type, American Indian offenders have higher revocation rates than other races in all offense types (see section entitled *Combined Revocation Data: 2001-2010*, p. 13).

As illustrated in Figure 7, revocation rates tended to be higher for offenders whose original probation sentence was a mitigated dispositional departure. A mitigated dispositional departure occurs when the Guidelines recommend a prison sentence, but the court imposes a stayed probationary sentence instead. The Guidelines recommend prison for offenders who have either committed more serious offenses or who have accumulated multiple criminal history points. Figure 7 shows the revocation rates for offenders who received mitigated dispositional departures compared with those who received presumptive probation sentences. Overall, 14 percent of the felony offenders on probation received mitigated dispositional departures. For more information on overall departure rates, see MSGC's report entitled *Sentencing Practices: Annual Summary Statistics for Felony Offenders*, available online at <http://www.msgc.state.mn.us>.



## Combined Revocation Data: 2001-2010

In the figures and tables below, the revocation data have been combined to provide information on total revocations for all cases sentenced between 2001 and 2010. The total combined revocation rate is 15.4 percent. For offenders with presumptive stayed sentences, the revocation rate is 14.7 percent. For offenders with mitigated dispositions, the revocation rate is 19.4 percent.

Figure 8 displays revocation rates by offense type and race. As noted earlier in this report, while revocation rates are highest for offenders convicted of person offenses, American Indian offenders have the highest revocation rates in each offense type. American Indian offenders also have the highest revocation rates for both male and female offenders (Figure 9).

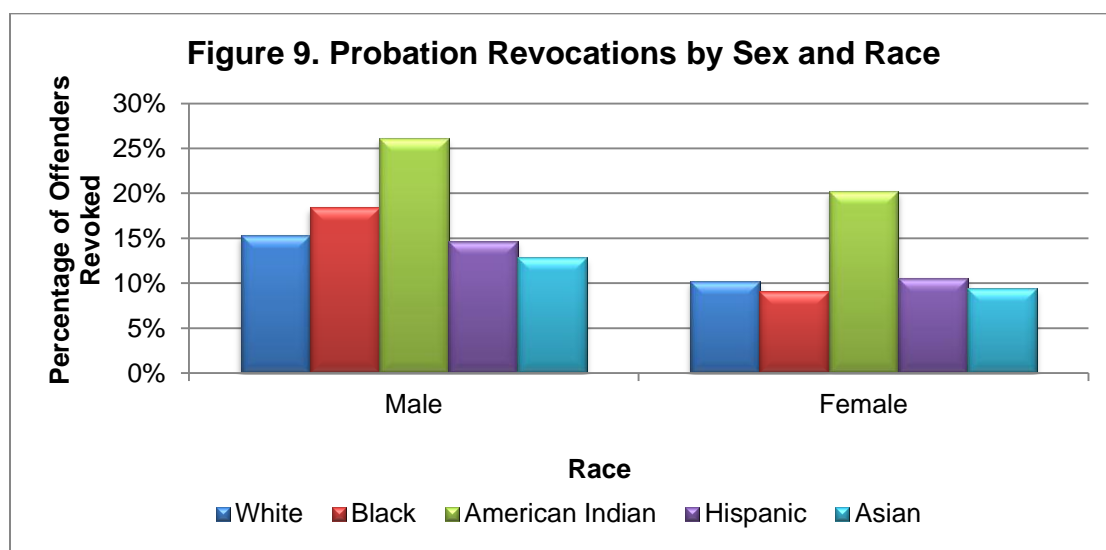
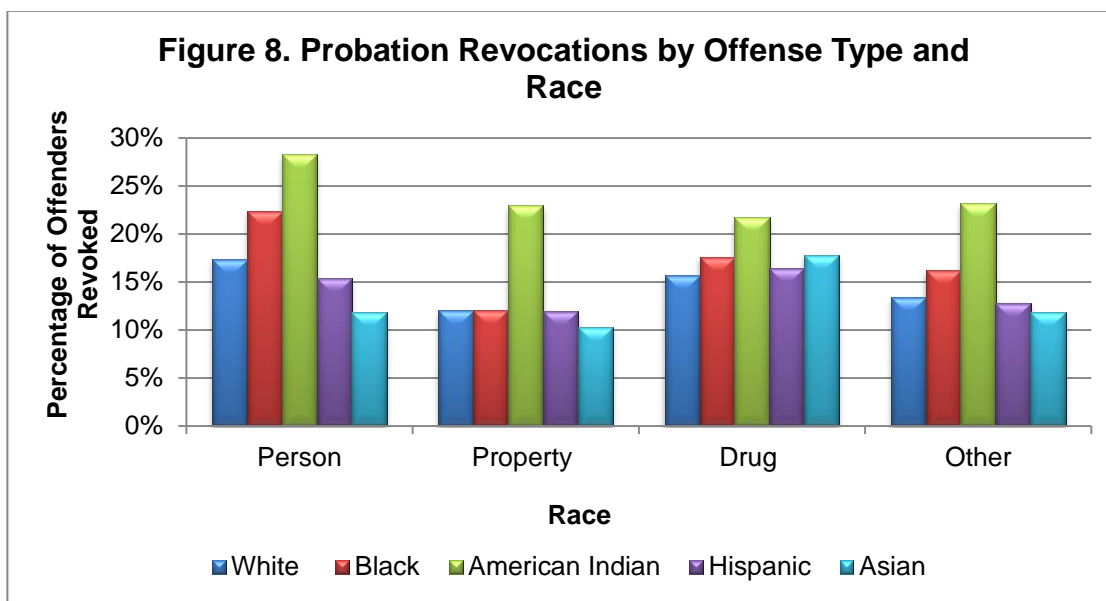


Table 2 displays revocation rates for general offense groups. Rather than providing the revocation rates for every felony offense, offenses were grouped for easier comparison. It is important to note that there can be variation in revocation rates within these offense groups. In the Assault group, revocation rates for offenders convicted of first- through fourth-degree assaults, as well as domestic assault by strangulation,<sup>5</sup> range from 16-22 percent, while the revocation rates for offenders convicted of fifth-degree assault and domestic assault are higher: 30 percent and 24 percent, respectively. Fifth-degree assault and domestic assault are unique in that they are felony offenses because the offender has prior related misdemeanor and gross misdemeanor offenses. Because these offenders have already committed several similar misdemeanor offenses, they may be less likely to succeed on probation. Offenses involving violations of restraining orders are also enhanced to felonies because of prior related offenses; the revocation rate for offenders convicted of these offenses is 21 percent.

**Table 2. Revocation Data by Offense Groups**

<b>Offense Categories</b>	<b>Total Number of Probation Cases (2001-2010)</b>	<b>Total Number of Revocations (through 12/31/11)</b>	<b>Percentage of Cases Revoked</b>
Murder / Manslaughter	224	36	16.1%
Assault	9,677	1,858	19.2%
Criminal Sexual Conduct	3,637	883	24.3%
Robbery	1,734	414	23.9%
Terroristic Threats / Stalking	7,098	1,248	17.6%
Other Person Offenses	2,139	282	13.2%
Controlled Substance	28,342	4,690	16.5%
Theft	17,356	2,003	11.5%
Burglary	16,092	1,766	11.0%
Other Property Offenses	8,205	1,469	17.9%
Felony DWI	9,086	1,148	12.6%
Other Crimes	4,973	898	18.1%
<b>Total</b>	<b>108,563</b>	<b>16,695</b>	<b>15.4%</b>

Among the criminal sexual conduct (CSC) offenses, offenders convicted of first-degree CSC have the lowest revocation rate at 19 percent, while the rates for offenders convicted of second-through fourth-degree CSC range from 21 percent to 29 percent. The revocation rate for offenders convicted of fifth-degree CSC is much higher, at 36 percent. It is difficult to draw any conclusions about this high revocation rate because only a small number of offenders were sentenced for this offense: 11 offenders were placed on probation for fifth-degree CSC between

<sup>5</sup> Because domestic assault by strangulation is a fairly new offense (effective August 1, 2005), it is unclear what the revocation rate may eventually be.

2001 and 2010. Possession and dissemination of child pornography offenses and failure to register as a predatory offender are on the Sex Offender Grid, but they are included in the “other crimes” group in Table 2. The revocation rates for offenders convicted of these offenses are lower than those observed for CSC offenses: 16 percent for offenders convicted of possession and dissemination of child pornography and 14 percent for offenders convicted of failure to register.

Among the controlled substance offenses, there is not much variation in revocation rates: 14 -15 percent for offenders convicted of first- and second-degree offenses, 16-18 percent for offenders convicted of third- through fifth-degree offenses. Among the theft offenses, the revocation rate for offenders convicted of motor vehicle theft offenses was approximately 24 percent, much higher than the rate for offenders convicted of general theft of property (10%).

Tables 3 and 4 display revocation rates by judicial district and by county. Through the end of 2011, the overall revocation rate was 15.4 percent. The rate was lowest in the First Judicial District (9.5%), and highest in the Second and Ninth Judicial Districts (21.5% and 21.3%, respectively). The numbers by county are less informative of local practice because in some locations the numbers of cases are very small. For example, in Lake of the Woods County, 57 offenders were sentenced to probation between 2001 and 2010, and one offender was revoked, resulting in a revocation rate of 1.8%. But of those counties with higher caseloads, in line with the district-wide rates, Carver County, which is located in the First Judicial District, had one of the lowest revocation rates (6%), and Beltrami County, which is located in the Ninth Judicial District, had the highest revocation rate (28.6%).

**Table 3. Revocation Data by Judicial District**

Judicial District	Total Number of Probation Cases (2001-2010)	Total Number of Revocations (through 12/31/11)	Percentage of Cases Revoked
1	13,106	1,243	9.5%
2	14,043	3,018	21.5%
3	8,964	1,872	20.9%
4	22,138	2,537	11.5%
5	5,321	834	15.7%
6	6,926	888	12.8%
7	10,806	1,700	15.7%
8	2,622	496	18.9%
9	8,459	1,798	21.3%
10	16,178	2,309	14.3%
<b>Total</b>	<b>108,563</b>	<b>16,695</b>	<b>15.4%</b>

**Table 4. Revocation Data by County**

<b>County</b>	<b>Total Number of Probation Cases (2001-2010)</b>	<b>Total Number of Revocations (through 12/31/11)</b>	<b>Percentage of Cases Revoked</b>
Aitkin	354	68	19.2%
Anoka	6,323	1,044	16.5%
Becker	971	212	21.8%
Beltrami	1,246	356	28.6%
Benton	1,014	205	20.2%
Big Stone	64	13	20.3%
Blue Earth	935	127	13.6%
Brown	322	60	18.6%
Carlton	925	59	6.4%
Carver	1,024	61	6.0%
Cass	892	163	18.3%
Chippewa	197	39	19.8%
Chisago	958	133	13.9%
Clay	1,555	319	20.5%
Clearwater	210	44	21.0%
Cook	85	11	12.9%
Cottonwood	270	24	8.9%
Crow Wing	1,198	262	21.9%
Dakota	7,957	729	9.2%
Dodge	305	83	27.2%
Douglas	644	54	8.4%
Faribault	262	37	14.1%
Fillmore	225	46	20.4%
Freeborn	717	196	27.3%
Goodhue	954	108	11.3%
Grant	72	15	20.8%
Hennepin	22,139	2,538	11.5%

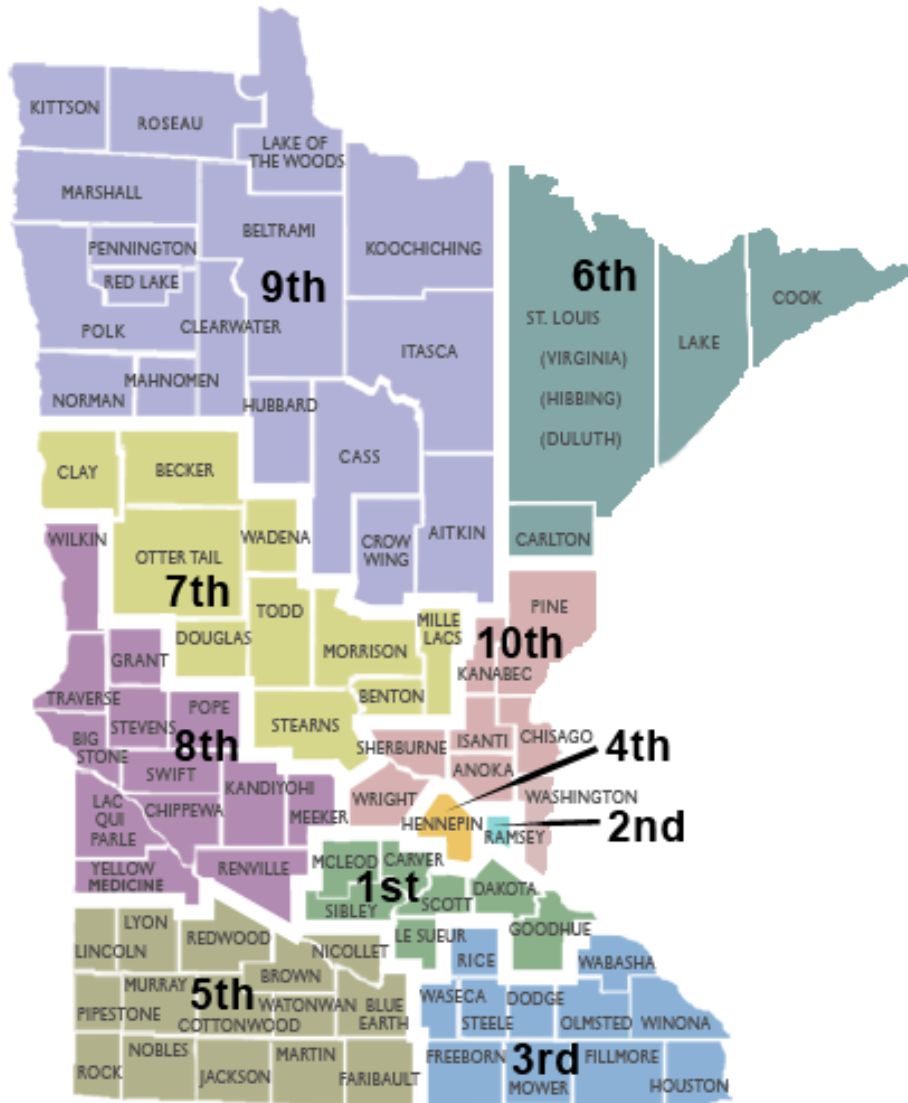


County	Total Number of Probation Cases (2001-2010)	Total Number of Revocations (through 12/31/11)	Percentage of Cases Revoked
Houston	358	63	17.6%
Hubbard	279	46	16.5%
Isanti	820	61	7.4%
Itasca	1,202	290	24.1%
Jackson	184	22	12.0%
Kanabec	525	121	23.0%
Kandiyohi	1,097	215	19.6%
Kittson	78	7	9.0%
Koochiching	172	37	21.5%
Lac Qui Parle	47	4	8.5%
Lake	204	21	10.3%
Lake of the Woods	57	1	1.8%
LeSueur	293	37	12.6%
Lincoln	80	8	10.0%
Lyon	622	71	11.4%
McLeod	964	87	9.0%
Mahnomen	388	49	12.6%
Marshall	159	16	10.1%
Martin	560	152	27.1%
Meeker	310	78	25.2%
Mille Lacs	846	158	18.7%
Morrison	715	131	18.3%
Mower	1,070	270	25.2%
Murray	138	16	11.6%
Nicollet	387	84	21.7%
Nobles	549	60	10.9%
Norman	147	37	25.2%
Olmsted	3,003	753	25.1%

County	Total Number of Probation Cases (2001-2010)	Total Number of Revocations (through 12/31/11)	Percentage of Cases Revoked
Otter Tail	1,056	110	10.4%
Pennington	448	51	11.4%
Pine	754	48	6.4%
Pipestone	177	32	18.1%
Polk	1,163	318	27.3%
Pope	138	29	21.0%
Ramsey	14,043	3,018	21.5%
Red Lake	86	12	14.0%
Redwood	462	97	21.0%
Renville	223	28	12.6%
Rice	1,034	74	7.2%
Rock	92	13	14.1%
Roseau	378	39	10.3%
St Louis	5,713	798	14.0%
Scott	1,651	187	11.3%
Sherburne	1,508	184	12.2%
Sibley	262	33	12.6%
Stearns	3,241	364	11.2%
Steele	723	146	20.2%
Stevens	96	23	24.0%
Swift	97	20	20.6%
Todd	375	76	20.3%
Traverse	36	6	16.7%
Wabasha	351	57	16.2%
Wadena	391	73	18.7%
Waseca	280	67	23.9%
Washington	3,430	577	16.8%
Watonwan	281	31	11.0%

County	Total Number of Probation Cases (2001-2010)	Total Number of Revocations (through 12/31/11)	Percentage of Cases Revoked
Wilkin	100	11	11.0%
Winona	899	118	13.1%
Wright	1,858	139	7.5%
Yellow Medicine	145	15	10.3%
<b>Total (Statewide)</b>	<b>108,563</b>	<b>16,695</b>	<b>15.4%</b>

# Minnesota Judicial District Map



<u>First</u>	<u>Second</u>	<u>Third</u>	<u>Fourth</u>	<u>Fifth</u>	<u>Sixth</u>	<u>Seventh</u>	<u>Eighth</u>	<u>Ninth</u>	<u>Tenth</u>
Carver	Ramsey	Dodge	Hennepin	Blue Earth	Carlton	Becker	Big Stone	Aitkin	Anoka
Dakota		Fillmore		Brown	Cook	Benton	Chippewa	Beltrami	Chisago
Goodhue		Freeborn		Cottonwood	Lake	Clay	Grant	Cass	Isanti
LeSueur		Houston		Faribault	St. Louis	Douglas	Kandiyohi	Clearwater	Kanabec
McLeod		Mower		Jackson		Mille Lacs	LacQuiParle	Crow Wing	Pine
Scott		Olmsted		Lincoln		Morrison	Meeker	Hubbard	Sherburne
Sibley		Rice		Lyon		Otter Tail	Pope	Itasca	Washington
		Steele		Martin		Stearns	Renville	Kittson	Wright
		Wabasha		Murray		Todd	Stevens	Koochiching	
		Waseca		Nicollet		Wadena	Swift	Lake-Woods	
		Winona		Nobles			Traverse	Mahnomen	
				Pipestone			Wilkin	Marshall	
				Redwood			Yellow Medicine	Norman	
				Rock				Pennington	
				Watonwan				Polk	
								Red Lake	
								Roseau	

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